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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

In re N.C. et al., Persons Coming
Under the Juvenile Court Law.

B293084

(Los Angeles County
Super. Ct. No. 18CCJP03881)

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

L.C.,

Defendant and Appellant.

APPEAL from orders of the Superior Court of Los Angeles
County, Stephen C. Marpet, Juvenile Court Referee. Affirmed.

Andre F. F. Toscano, under appointment by the Court of
Appeal, for Defendant and Appellant.

Tarkian & Associates, Arezoo Pichvai, for Plaintiff and
Respondent.

The juvenile court took dependency jurisdiction over D.V., the one-year-old daughter of M.V. (Father) and L.C. (Mother), as well as eight-year-old N.C., Mother's daughter from a previous relationship. The juvenile court found the children were at substantial risk of suffering serious physical harm from domestic violence between Mother and Father, Mother and Father's drug use, and Mother and Father's mental and emotional problems. We consider whether Mother's challenge to the mental and emotional problems jurisdiction finding against her is justiciable even though she does not challenge the other bases on which the juvenile court assumed jurisdiction over the children. We also decide whether the juvenile court abused its discretion by ordering Mother to submit to a psychiatric evaluation.

I. BACKGROUND

A. *Prior Report of Mental Illness*

In March 2018, the Los Angeles County Department of Children and Family Services (the Department) received information that N.C. told a friend at school that Mother had been shooting a gun in the backyard of her home because she thought "people" were trying to break in. The school friend's mother went to visit Mother at her home and, finding her to be paranoid and "not in her right mind," took her to the hospital. Mother tested positive for methamphetamine and was held "for being a danger to others and diagnosed as gravely disabled."

B. *June 2018 Referral and Initial Department Investigation*

Three months after the gun incident, the Department learned there had been domestic violence between Father and

Mother at their home. According to the Department's reporting, Mother and Father had an argument on June 14, 2018, during which Mother hit Father "a couple of times on the arm" with an open hand, threw objects, and "pushed the bed into the wall[,] causing damage." Father then called the police, which prompted Mother to hold a box cutter to her wrist and tell Father that "she would rather die than to have him take her children away." Mother left the home, however, before the police arrived.

A Department social worker interviewed Father on the day of the incident. Father said the argument began because Mother "thinks that he is spending time with other women." Father reported there had been other domestic violence incidents where Mother was the aggressor, but he claimed none of the incidents occurred in the presence of the children. Father also reported Mother had been "stressed out" and "paranoid" because "unknown and unidentifiable people from PETA (People for the Ethical Treatment of Animals) were coming into their backyard for approximately a year regarding a dog."

The social worker spoke to Mother the following day. Mother said the fight had occurred because Father was "provoking her" and that many of the problems between her and Father were due to his involvement with other women. Mother said she saw Father in a car with another woman and Father and she believed this woman had "hacked into her phone" and were listening to her cell phone conversations. Mother also told the social worker that there had been additional domestic violence between her and Father in the past, and she claimed Father had on different occasions pushed and choked her, elbowed her, and thrown her to the ground.

When asked about her mental health, Mother conceded she previously had checked into a behavioral health hospital “because [Father] was attempting to make her believe that she is crazy.” Mother, however, refused to divulge what her mental health diagnosis was and she acknowledged she did not follow up with aftercare services once discharged from the hospital. Mother also admitted she used methamphetamine the prior evening and said Father was a methamphetamine user as well.

C. The Dependency Petition and the Detention Hearing

The Department filed a petition alleging N.C. and D.V. were dependent children for several reasons. Petition counts a-1 and b-1 cited Mother and Father’s “history of engaging in violent altercations” in the children’s presence, including the aforementioned June 14, 2018, altercation that brought the family to the Department’s attention. Counts b-2 and b-3 alleged Mother and Father’s illegal drug use rendered them “incapable of providing regular care” of the children, particularly D.V., who was “of such [a] young age [as to] require[e] constant care and supervision.” Count b-4 alleged Mother’s mental and emotional problems, “including but not limited to suicidal ideation,” rendered her incapable of providing the children with regular care and supervision—specifically citing Mother’s hospitalization in or about February 2018 and her failure to follow up with aftercare services. The final count of the petition, count b-5, alleged Father had mental and emotional problems rendering him incapable of providing D.V. with regular care and supervision and Mother failed to protect the children from the risk that Father’s mental and emotional problems posed to their safety.

The juvenile court held a detention hearing the day after the petition was filed. The court found the Department made a prima facie showing that the children's "continuance in the [care] of [Mother and Father] is contrary" to their welfare, and ordered them detained. The court also set a later date for a combined jurisdiction and disposition hearing.

D. Further Department Investigation

The Department interviewed Mother again in August 2018, before the scheduled jurisdiction hearing. Mother said she had been sober for 36 days, which she said was the longest she had been sober "in a long time." Mother also provided further details about her hospital stays. She reported she checked herself into "UCLA [hospital]" in February 2018 because she was feeling "overwhelmed." Mother said she was then transferred to Alhambra Behavioral Health Center (ABHC) and discharged after "3 or 4 days." Mother was prescribed an antidepressant, but she stopped taking the medication a week after her discharge without consulting a medical or mental health professional. Mother also reported she was hospitalized later in June 2018 at Arrowhead Regional Medical Center (ARMC) because she was "devastated" after N.C. and D.V. were removed from her home in connection with the dependency proceedings.

The Department subsequently obtained Mother's records from these two hospital stays. The ABHC records revealed Mother was admitted "on an involuntary hold as a danger to self." Mother was described as "very paranoid" with "impaired insight and judgment." The ARMC records indicated Mother suffered from "depression" and "visual hallucinations" of Father

with a new girlfriend, which Mother admitted she saw “everywhere.”¹

E. The Jurisdiction and Disposition Hearing

At the jurisdiction and disposition hearing, held in September 2018, the Department offered its reports in evidence, including a last minute information report that attached Mother’s psychiatric records from ARMC. Mother’s attorney objected to the admission of these psychiatric records. The juvenile court admitted the records in evidence, finding Mother had waived any privacy interest in the records through her conduct and statements made to the Department as related in the Department’s jurisdiction report.

Proceeding to the merits, Mother asked the court to dismiss the b-4 count alleging jurisdiction was warranted based on her mental and emotional problems; Mother, however, did not contest the petition counts alleging a substantial risk of serious physical harm arising from domestic violence, substance abuse, and Father’s mental and emotional problems. The juvenile court rejected Mother’s challenge and sustained all counts in the dependency petition as pled. Proceeding to disposition, the juvenile court removed N.C. and D.V. from the parents’ custody

¹ The Department also obtained Los Angeles Police Department call logs indicating Mother made ten calls to the police between January 5 and March 16, 2018. On each of these calls, Mother claimed unknown people were either breaking into her house, damaging her property, or shooting guns on her property. The responding police officers never found any evidence to support these claims. The logs noted Mother was possibly “suffering from mental illness.”

and ordered Mother to complete substance abuse programs, to participate in counseling, and to undergo a psychiatric evaluation and take all prescribed medication.

Mother objected to the order compelling her to undergo a psychiatric evaluation, contending it was “excessive” to order an evaluation on top of the counseling the court required. Mother also complained psychiatric evaluations took a long time and were difficult to complete within the six-month reunification period. The court declined to change its order, observing Mother had been hospitalized twice for mental problems and opining the evaluation would give the court “the ability to assess this as a family unit to see what other lingering things are occurring in their lives, to see if there’s anything else we can do to reunite them.”

II. DISCUSSION

Mother’s appeal challenges only one of the several bases on which the juvenile court assumed dependency jurisdiction over the children. She seeks reversal of the finding that her mental and emotional problems posed a substantial risk of serious harm to the children because, she contends, the court erred in admitting some of her psychiatric records in evidence. Under settled law, we need not resolve Mother’s contention in light of the other unchallenged findings that would still support jurisdiction over N.C. and D.V. even if Mother’s contention were well taken. We also decline to exercise our discretion to address the jurisdiction finding Mother challenges because the juvenile court’s order for her to undergo a psychiatric evaluation—the only aspect of the disposition order Mother challenges—was an appropriate exercise of the court’s discretion even in the absence

of the sustained mental and emotional problems jurisdiction finding that Mother challenges.

A. *Mother's Challenge to Only One Part of the Basis for Assuming Jurisdiction over the Children Is Unavailing*

“As a general rule, a single jurisdictional finding supported by substantial evidence is sufficient to support jurisdiction and render moot a challenge to the other findings.” (*In re M.W.* (2015) 238 Cal.App.4th 1444, 1452; accord, *In re I.J.* (2013) 56 Cal.4th 766, 773 [“When a dependency petition alleges multiple grounds for its assertion that a minor comes within the dependency court’s jurisdiction, a reviewing court can affirm the juvenile court’s finding of jurisdiction over the minor if any one of the statutory bases for jurisdiction that are enumerated in the petition is supported by substantial evidence. In such a case, the reviewing court need not consider whether any or all of the other alleged statutory grounds for jurisdiction are supported by the evidence”].) That, of course, is the scenario we have here: Mother challenges only the juvenile court’s decision to find count b-4 true (i.e., that N.C. and D.V. were at substantial risk of suffering serious physical harm as a result of Mother’s mental health issues) and she does not challenge the other findings that would independently support jurisdiction over the children (i.e., that the children were at risk from the domestic violence between Mother and Father, their substance abuse, and Father’s mental and emotional problems). With the unchallenged findings serving as a valid basis for jurisdiction, we need not consider Mother’s attack on the single finding in count b-4.

Some courts have nevertheless opted to exercise their discretion to review a juvenile court finding that is not essential for jurisdiction over a dependent child when the challenged finding “(1) serves as the basis for dispositional orders that are also challenged on appeal [citation]; (2) could be prejudicial to the appellant or could potentially impact the current or future dependency proceedings [citation]; or (3) ‘could have other consequences for [the appellant], beyond jurisdiction’ [citation].” (*In re Drake M.* (2012) 211 Cal.App.4th 754, 762-763 (*Drake M.*).) On the facts here, however, we see no reason to exercise our discretion to review the mental health jurisdiction finding against Mother. Because there are other adverse unchallenged findings against her, our review of the mental health finding has no bearing on whether Mother is an “offending” or “nonoffending” parent. (Compare *Drake M.*, *supra*, at p. 763 [“Here, the outcome of this appeal is the difference between [the] father’s being an ‘offending’ parent versus a ‘non-offending’ parent. . . . Thus, although dependency jurisdiction over Drake will remain in place because the findings based on [the] mother’s conduct are unchallenged, we will review [the] father’s appeal on the merits”].) And, as we next explain, the challenged finding does not serve as the *basis* for the aspect of the disposition order she seeks overturned—the order for a psychiatric evaluation would be proper even in the absence of the true finding as to count b-4 of the dependency petition.

*B. The Juvenile Court Did Not Abuse Its Discretion by
Ordering a Psychiatric Evaluation*

The juvenile court may make “all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child.” (Welf. & Inst. Code, § 362, subd. (a).) In addition, the juvenile court at disposition “may direct any reasonable orders to the parents . . . of the child . . . as the court deems necessary and proper to carry out this section.” (Welf. & Inst. Code, § 362, subd. (d).) “The juvenile court has broad discretion to determine what would best serve and protect the child’s interests and to fashion a dispositional order accordingly. On appeal, this determination cannot be reversed absent a clear abuse of discretion.’ [Citation.]” (*In re Briana V.* (2015) 236 Cal.App.4th 297, 311.) Further, and critically for our purposes, the problem(s) that a juvenile court seeks to address via a disposition order need not be described in a sustained dependency petition allegation. (*In re I.A.* (2011) 201 Cal.App.4th 1484, 1492 [“A jurisdictional finding involving the conduct of a particular parent is not necessary for the court to enter orders binding on that parent, once dependency jurisdiction has been established”]; *In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1005, 1008 [no abuse of discretion in ordering random drug or alcohol testing as part of a disposition order in a case where the court found the dependency petition’s allegation of alcohol-related problems not proven].)

Here, there was abundant evidence—other than the hospital records Mother says should not have been received in evidence—that Mother had mental and emotional problems that should be explored via an order to participate in a psychiatric evaluation that would be delivered to the juvenile court. Mother herself acknowledged she was admitted to the hospital twice,

once voluntarily and once involuntarily, for treatment of behavioral issues. The Department had information that she previously discharged a gun on her property while “not in her right mind” because she thought someone was trying to break in. Mother was also initially reticent to disclose any mental health diagnosis she had been given, and the hospital records the Department eventually obtained were several months old and necessarily prepared with a different perspective (the need for immediate hospital treatment) than a dependency court-ordered psychiatric evaluation would be. Thus, even assuming for argument’s sake that Mother’s mental and emotional problems did not create a substantial risk of serious physical harm to her children, the juvenile court would still be well within its discretion to conclude, as it did, that a psychiatric evaluation was warranted to give the court “the ability to assess this as a family unit to see what other lingering things are occurring in their lives, to see if there’s anything else we can do to reunite them.”²

² The juvenile court was also cognizant of any hardship that completing the psychiatric evaluation might pose. The court stated on the record that it could give Mother more time than six months to complete the evaluation if she was “involved in the programs” and otherwise complying with the disposition orders.

DISPOSITION

The juvenile court's jurisdiction and disposition orders are affirmed.

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BAKER, Acting P. J.

We concur:

MOOR, J.

KIM, J.